

No. 24-2229

---

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT**

DISABILITY RIGHTS OREGON et al.,  
*Plaintiffs-Appellees,*

v.

DAVID BADEN et al.,  
*Defendants-Appellees,*

v.

MARION COUNTY  
*Proposed Intervenor-Appellant.*

On Appeal from the U.S. District Court for the District of Oregon  
Case No. 3:02-cv-00339-AN  
Honorable Adrienne Nelson

---

**APPELLANT'S EXCERPTS OF RECORD INDEX VOLUME**

---

James Bopp, Jr., Ind. Bar No. 2838-84  
Joseph D. Maughon, Va. Bar No. 87799  
Taylor C. Shetina, Ind. Bar. No. 37887-45  
THE BOPP LAW FIRM, PC  
The National Building  
1 South 6th Street  
Terre Haute, Indiana 47807  
Telephone: (812) 232-2434

*Counsel for Marion County*

**INDEX**

<b>Document</b>	<b>File Date</b>	<b>USDC Dkt. No.</b>	<b>ER No.</b>
<b>VOLUME 1 of 3</b>			
Order (denying Marion County's Second Motion to Intervene)	04/04/24	485	2-8
Order (voiding the state court order on Supremacy Clause grounds)	03/06/24	475	9-11
Second Amended Order to Implement Neutral Expert's Recommendations	07/03/23	416	12-28
[First] Amended Order to Implement Neutral Expert's Recommendations	05/10/23	387	29-37
Order to Implement Neutral Expert's Recommendations	09/01/22	271	38-41
<b>VOLUME 2 of 3</b>			
Text of Minute Order (striking Marion County's reply supporting the Second Motion to Intervene)	04/08/24	487	43
Marion County's reply supporting the Second Motion to Intervene	04/04/24	482	44-48
Motion for Expedited Ruling on Marion County's Second Motion to Intervene	03/29/24	479	49-50

Marion County's Second Motion to Intervene	03/29/24	478	51-63
Exhibit 1 – Attached Notice of Appeal <i>(Marion County's Second Motion to Intervene)</i>	03/29/24	478-1	64-66
Exhibit 2 – Second Declaration of Ryan Matthews <i>(Marion County's Second Motion to Intervene)</i>	03/29/24	478-2	67-73
Exhibit 3 – Declaration of Nick Hunter <i>(Marion County's Second Motion to Intervene)</i>	03/29/24	478-3	74-78
Plaintiffs' Response to Petition for Expedited Ruling on Supremacy Clause Issue	03/04/24	474	79-86
<i>Amici Judges' Resp. to Pet. for Expedited Ruling on Supremacy Clause Issue</i>	02/22/24	470	87-91
Declaration of Erin K. Olson <i>(in Support of Crime Victims' Motion to Intervene)</i>	02/21/24	467	92-97
Petition for Expedited Ruling on Supremacy Clause Issue	02/15/24	460	98-101
Marion County's [first] Notice of Appeal	07/27/23	424	102-105

Notice of Substitution of the Official Capacity OHA Director Defendant	07/14/23	422	106-107
Text of Minute Order (denying Marion County's [first] Motion to Intervene)	06/29/23	415	108
Declaration of Ryan Matthews ( <i>in Support of Marion County's [first] Motion to Intervene</i> )	06/08/23	403	109-113
Marion County's [First] Motion to Intervene	06/08/23	402	114-126
Plaintiffs' Proposed Amendments to September Order regarding Transportation from the State Hospital	05/09/23	382	127-130
Text of Minute Order (permitting Marion County to respond to plaintiffs' motion for order requiring Marion County to transport Unfit Defendants)	03/23/23	363	131
Motion for Order Requiring Marion County Sheriff's Office to Transport Patients	03/22/23	359	132-138
Text of Minute Order (granting Marion County's Motion to Appear as Amicus Curiae)	08/29/22	269	139
Neutral Expert Second Report	08/26/22	262-2	140-174

Plaintiffs' Supplemental Memorandum in Support of Unopposed Motion for Order to Implement Neutral Expert's Recommendations	08/26/22	260	175-191
Motion for Leave to Participate as <i>Amici Curiae</i> and Memorandum in Support Thereof	08/25/22	259	192-195
Amicus Brief of Marion and Washington Counties	08/25/22	259-1	196-199
Plaintiffs' Unopposed Motion for Order to Implement Neutral Expert's Recommendations	08/15/22	252	200-213
[Proposed] Order to Implement Neutral Expert's Recommendations	08/15/22	252-1	214-218
Order Consolidating Cases and Appointing a Neutral Expert	12/21/21	240	219-221
Disability Rights Oregon's Motion to Join and to Supplement Metropolitan Public Defender Services' Motion for a Rule to Show Cause Why the Defendants Should Not Be Held in Contempt	05/14/19	91	222-232
Metropolitan Public Defender Services's Motion for Finding of Contempt, to Allow Discovery, and for Expedited Hearing	05/10/19	85	233-240

Judgment for Plaintiffs	05/15/02	51	241-242
Findings of Fact and Conclusions of Law	05/10/02	47	243-256
Reporter's Transcript for 05/06/20 Telephone Oral Argument	06/05/20	169	257-310

**VOLUME 3 of 3**

Reporter's Transcript for 03/31/23 Oral Argument	04/10/23	372	312-352
Reporter's Transcript for 09/06/23 Oral Argument	09/21/23	447	353-391
Amended Notice of Appeal for Dkt. No. 485	04/12/24	489	392-394
Amended Notice of Appeal for Dkt. Nos. 475, 416, 387, 271	04/12/24	488	395-397
Notice of Appeal for Dkt. No. 485	04/05/24	486	398-400
Notice of Appeal for Dkt. Nos. 475, 271, 204	04/04/24	483	401-403
Civil Docket for Case No.3:02-cv-00339-AN – United States District Court, District of Oregon (Portland (3)) – <i>Oregon Advocacy Center et al v. Mink et al.</i>	as of 06/27/24		404-462